



\$3731
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Docket No. END-777

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Seth A. Forester et al.
Serial No. : 09/954,646 Art Unit:
Filed : September Examiner:
For : METHODS AND DEVICES FOR DEFINING
AND MARKING TISSUE

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Assistant Commissioner for Patents
Washington, D.C. 20231

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INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

[] In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national

application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Statement in Accordance with §1.97(e) (attached); or

☐ Please charge Deposit Account No. 10-0750/END-777/GSG the fee of \$180.00 as set forth in §1.17(p).

☒ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

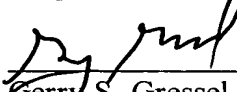
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☒ Copies of references listed on the attached Form PTO-1449 are not included under 37CFR 1.98(d) where the references have been cited in US Patent Application 09/776,125 to which the application claims priority.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/GSG/END-777.

Respectfully submitted,



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Date: July 15, 2004

Examiner Signature		Date Considered	
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Substitute for form 1449A/PTO

**SUPPLEMENTAL INFORMATION
DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

Application Number	09/954,646
Filing Date	September 18, 2001
First Named Inventor	Seth A. Foerster et al.
Group Art Unit	3737
Examiner Name	E. Mantis Mercader
Attorney Docket Number	END -777

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		3,592,185		Ephraim, et al.	07-13-1971	ALL
		4,087,791		Lemberger	05-02-1978	ALL
		4,541,438		Parker, et al.	09-17-1985	ALL
		4,735,210		Goldenberg	04-05-1988	ALL
		4,735,796		Gordon	04-05-1988	ALL
		5,041,826		Milheiser	08-20-1991	ALL
		5,101,827		Goldenberg	04-07-1992	ALL
		5,114,703		Wolf, et al.	05-19-1992	ALL
		5,127,916		Spencer, et al.	07-07-1992	ALL
		5,300,120		Knapp, et al.	04-05-1994	ALL
		5,433,751		Christel, et al.	07-18-1995	ALL
		5,437,279		Gray	08-01-1995	ALL
		5,470,308		Edwards, et al.	11-28-1995	ALL
		5,482,040		Martin, Jr.	01-09-1996	ALL
		5,496,536		Wolf	03-05-1996	ALL
		5,514,379		Weissleder, et al.	05-07-1996	ALL
		5,555,885		Chance	09-17-1996	ALL
		5,579,766		Gray	12-03-1996	ALL
		5,582,172		Papisov, et al.	12-10-1996	ALL

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵				
		WO	98/09247	A1	Cothren, et al.	03-05-1998	ALL	
		WO	98/52617	A2	McIntire, et al.	11-26-1998	ALL	

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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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		5,595,177		Mena, et al.	01-21-1997	ALL
		5,674,288		Knapp, et al.	10-07-1997	ALL
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		5,855,609		Knapp	01-05-1999	ALL
		5,857,463		Thurston, et al.	01-12-1999	ALL
		5,868,778		Gershony, et al.	02-09-1999	ALL
		5,895,640		Khalkhali	04-20-1999	ALL
		5,899,865		Chance	05-04-1999	ALL
		5,913,857		Ritchart, et al.	06-22-1999	ALL
		5,970,986		Bolz, et al.	10-26-1999	ALL
		5,977,431		Knapp, et al.	11-02-1999	ALL

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		Office ³	Number ⁴	Kind Code ⁵				
		WO	99/25248	A1	Carroll	05-27-1999		
		WO	99/46284	A2	Rajotte, et al.	09-16-1999		

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		Kind Code ²	Number (if known)			
		Re.	35,391	Brauman	12-03-1996	ALL
			3,194,239	Sullivan	01-16-1963	ALL
			4,298,998	Naficy	11-10-1981	ALL
			4,347,234	Wahlig et al.	08-31-1982	ALL
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			5,195,988	Haaga	03-23-1993	ALL
			5,274,074	Tang et al.	12-28-1993	ALL
			5,433,751	Christel et al.	07-18-1995	ALL
			5,470,308	Edwards et al.	11-28-1995	ALL
			5,514,379	Weisleder et al.	05-07-1996	ALL
			5,522,896	Prescott	06-04-1996	ALL
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			2004/0024304	A1 Foerster et al.	02-05-2004	ALL
			2001/0034528	A1 Foerster et al.	10-25-2001	ALL
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OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
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		WANG HOM-LAY et al. "Evaluation of an Absorbable Collagen Membrane in Treating Class II Furcation Defects"; pp 1029-1036. November 1994.	
		BROPHY M. REGINA et al. "Biodegradable Polyester Polymers as Drug Carriers". Pp 1-25.	
		SWARBRICK JAMES and BOYLAN JAMES. "Bioabsorbable Polymers." <u>The Encyclopedia of Pharmaceutical Technology</u> . Vol. 1. Absorption of Drugs to Bioavailability of Drugs and Bioequivalence. New York and Basel. Pp 465-476.	
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		CUTRIGHT, DUANE E. et al. "Degradation Rates of Polymers and Copolymers of Polylactic and Polyglycolic Acids." U.S. Army Institute of Dental Research, Walter Reed Army Medical Center, Washington, D. C. Pp. 142-151	
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		MACKINNON, SUSAN E. "Clinical Nerve Reconstruction with a Bioabsorbable Polyglycolic Acid Tube." <u>Plastic and Reconstructive Surgery</u> , March 1990.	
		NAKAMURA, T., et al. "New Bioabsorbable Pledgets and Non-Woven Fabrics Made from Polyglycolide (PGA) for Pulmonary Surgery: Clinical Experience." <u>Thoracic Cardiovascular Surgeons</u> . (1990) Pp. 81-85.	
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		PARK, KINAM et al.; "Biodegradable Hydrogels for Drug Delivery." Purdue University, School of Pharmacy. Pp. 2-28	
		CHU, C.C. and DUMITRIU, SEVERIAN Polymeric Biomaterials 2 nd ed. "Biodegradable Biomaterials Having Nitric Oxide Biological Activity." Ch. 5. Pp 123-124. and ROKKANEN, PENTTI U. "Bioabsorbable Polymers for Medical Applications with an Emphasis on Orthopedic Surgery. Ch. 20 Pp. 545-547.	
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		PARKER, STEVE H. and KLAUS, ANITA J. "Performing a Breast Biopsy with A Directional, Vacuum-Assisted Biopsy Instrument." <u>From the RSNA Refresher Courses- Continuing Education</u> (1997) Vol. 17 No. 5 pp. 1233-1252.	
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